

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Taylor R. Huey,

Civ. No. 20-1538 (PAM/ECW)

Petitioner,

v.

ORDER

Michelle Starr,¹

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated April 19, 2021. (Docket No. 16.) The R&R recommends that the Court deny as moot the Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 because Petitioner Taylor Huey has been released from custody. No party objected to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

¹ Petitioner brought this case against the United States, but as the R&R notes, the Warden of the institution of incarceration is the proper Defendant for a petition under 28 U.S.C. § 2241, and thus is automatically substituted pursuant to Fed. R. Civ. P. 25(d).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 16) is **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Docket No. 1) is **DENIED as moot**; and
3. This matter is **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 7, 2021

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge